

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.12547 of 1999

Between:

Rampa Sarojini.

... Petitioner

and

The Commissioner of Survey Settlements
and Land Records and others.

... Respondents

ORDER:

It is the case of the petitioner that she has been in possession and enjoyment of the land admeasuring 2-17 hectares in Sy.No.71/1 of Vetamamidi village, Addategala Mandal, East Godavari District since 1961 i.e., Fasli 1371. The said land is a mutta land got through a lease from the Muttadar one Sri C.Venkanna. Subsequently, the Mutta was abolished under A.P.Muttas (Abolition and Conversion into Ryotwari) Regulation 1969 (for short "Regulation 2/69") and the notification, dated 26-12-1970 was issued for grant of Ryotwari Patta in favour of the Ryots, who were entitled for receipt of the agricultural lands held by them and having been possession as per Section 5 of Regulation 2/69. It is stated that the petitioner applied for grant of patta in respect of the said land, which has been in her possession, before the Settlement Officer, Peddapuram. The Settlement Officer, Peddapuram, rejected her request by order, dated 28-11-1974 in Case No.3545/73. Aggrieved by the said order, the petitioner filed an appeal before the Director of Settlements, Andhra Pradesh, Hyderabad, in A.P.No.19/1981. The Director of Settlements, Andhra Pradesh, Hyderabad, after considering the contentions of the petitioner with regard to her possession and cultivation and after verification of the relevant material with regard to possession and cultivation with reference to two cowle deeds for Faslis 1371 to 1376 i.e., from 1961 to 1966 and the renewal of the earlier cowle by cowle deeds, dated 25-04-1965 and 25-12-1967 for another period of six years for Faslis 1374 to 1379 i.e., from 1964 to 1969 and as the said documents have not been

doubted or disputed by the Settlement Officer/Mandal Revenue Officer, allowed the appeal by order, dated 21-01-1981 in A.P.No.19 of 1981. Aggrieved by the said order, the Mandal Revenue Officer, Yellavaram, filed an appeal under Section 9 of Regulation 2/69 before the Commissioner of Survey Settlements and Land Records, Hyderabad, after a lapse of ten years and five months. The said appeal has been entertained and allowed by order, dated 27-11-1998, in C.S.S & L.R.Case No.L3/435/91 only on the ground that the cowle receipts produced for Faslis 1377 to 1379 are not tallying with the relevant Cist receipts and they are neither registered nor signed by the cowledar. The Cist receipts cannot be linked to the land in question, as no survey number or local name is mentioned therein.

A perusal of the impugned order goes to show that the Commissioner of Survey Settlements and Land Records, Hyderabad-Appellate Authority has not at all considered with regard to the genuineness or otherwise of the documents relating to the cowle deeds, which have been renewed twice but only considered cowle receipts, obviously it does not contain survey number and the cowledar. Therefore, I am of the opinion that the Director of Settlements, Andhra Pradesh, Hyderabad, after considering the material available on record, rightly recorded a finding about the genuineness of the documents produced by the petitioner and allowed the appeal for grant of Ryotwari Patta under Section 5 of Regulation 2/69. Further, entertaining the appeal after a period of ten years and five months is contrary to Section 9 of Regulation 2/69. As per Section 9 of Regulation 2/69, an appeal has to be filed within sixty days from the date of the order of the Director of Settlements, Andhra Pradesh, Hyderabad. Absolutely, no reasons have been shown for the said inordinate delay and, therefore, I am of the opinion that even though

the appeal has been erroneously entertained, it is open for the petitioner to contend before this Court about the illegal action on the part of the Appellate Authority in erroneously entertaining the appeal after a period of ten years and five months. Since the Appellate Authority erroneously entertained the appeal after a long lapse of ten years and five months, the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order, dated 27-11-1998, by confirming the order of the Director of Settlements, Andhra Pradesh, Hyderabad, in A.P.No.18 of 1981, dated 21-01-1981. There shall be no order as to costs.

12-09-2007

Prv